



1264 A Street
Hayward, California 94541
510.537.0340

November 12, 2013

SENT VIA EMAIL

Hayward City Council
777 B Street
Hayward, CA 94541

RE: Hayward City Council Agenda - ITEM 10 Illegal Dumping Ordinance

Dear Councilmembers,

We have reviewed the new staff report and the changes in the proposed ordinance relating to illegal dumping in the City of Hayward.

We have the following comments:

- We believe that any property owner that is illegally dumping in the public right of way should be held responsible for clean up and should be charged with a misdemeanor if they are knowingly breaking the law.
- We agree that the intent of the ordinance is to address chronic issues related to illegal dumping in parts of Hayward.
- We acknowledge the City's intent for implementation. In particular, we are supportive of the first paragraph of page 4 of 5, in which, the city outlines a plan to reduce the likelihood of penalizing an innocent victim of such a crime.
- Some of the most important parts of this implementation plan are NOT captured in the ordinance and could lend itself to abuse in the future.

Additionally we make the following recommendations:

- Using the existing database, notify at-risk owners of the program you are proposing to head off the initial round of dumping. It is a cheaper alternative to picking up the next dump.
- Work directly with WMI to develop a plan for regular neighborhood container drops/pickups. Help provide alternatives for those properties that no longer have pick up service, as they did in the past from WMI.
- Work with RHA and *other external* stakeholders to develop a more comprehensive education plan for both rental property owners and managers that starts before the initial notice to abate.
- Work with the Police Department and other City Departments to publicize penalties and convictions so that anyone dumping from outside of the community can learn about the new enforcement efforts. (As recommended by the EPA).
- Incorporate the enforcement components from the staff report's implementation plan directly into the ordinance, to ensure that it is not abused in the future or used in a manner it was not intended at the outset.

Finally, I'd like to acknowledge the good communication we have had with City staff since the first reading and appreciate their willingness to discuss our concerns. Additionally, we thank those councilmembers who worked with the RHA on this issue and who took genuine interest in our concerns. Their professionalism is to be commended.

Sincerely,

Timothy May
CC: Fran David, Matt McGrath

